

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

| | | |
|------------------------------------|---|-----------------------|
| ZAREADAE V. ROBERTSON, as the |) | |
| next Best friend of CATHERINE |) | |
| ROBERTSON, a minor, and |) | |
| DEMARCUS JACKSON, a minor, |) | CIVIL ACTION NO.: |
| |) | |
| Plaintiff, |) | <u>1:14-CV-214-AT</u> |
| |) | |
| NEALE P. FREEMAN, M.D., |) | |
| CHRISTOPHER D. MARINE, M.D.; |) | |
| CHARLES MATUZA, PA; SOUTHSIDE |) | |
| MEDICAL CENTER, INC.; TENET |) | |
| HEALTHSYSTEM, GB, INC. d/b/a |) | |
| ATLANTA MEDICAL CENTER; and |) | |
| PEDIATRIX MEDICAL GROUP OF |) | |
| GEORGIA, P.C.; JOHN DOES NOs. 1-5; |) | |
| And XYZ CORPORATIONS NOs. 1-5; |) | |
| |) | |
| Defendants. |) | |
| |) | |

NOTICE OF REMOVAL BY DEFENDANTS
NEALE P. FREEMAN, M.D., CHRISTOPHER D. MARINE, M.D.,
AND SOUTHSIDE MEDICAL CENTER, INC.

To: The Honorable Judges of the United States District Court for the Northern
District of Georgia, Atlanta Division

Defendants Neale P. Freeman, M.D., Christopher D. Marine, M.D. and
Southside Medical Center, Inc. (collectively the "Federal Defendants"), by and
through the undersigned counsel, hereby gives notice, pursuant to 28 U.S.C. §§
1441(a) and 1442(a), that they are removing the action styled *Zareadae V,
Robertson, as the next Best friend of Catherine Robertson, a minor, and Demarcus*

Jackson, a minor, v. Neale P. Freeman, M.D., et al., Civil Action File No.

13EV016531F, currently pending in the State Court of Fulton County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division. In support, the Federal Defendants show as follows:

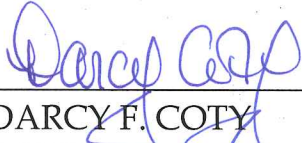
1. On January 15, 2013, Plaintiffs filed a civil action in the State Court of Fulton County, Georgia, styled *Zareadae V, Robertson, as the next Best friend of Catherine Robertson, a minor, and Demarcus Jackson, a minor, v. Neale P. Freeman, M.D., et al.*, Civil Action File No. 13EV016531F (the "State Court Action").
2. At all times relevant to Plaintiffs' Complaint, the Federal Defendants were deemed federal employees for purposes of the Federally Supported Health Centers Assistance Act of 1972 ("FSHCAA"), 42 U.S.C. § 233(g) - (n). See Certification, attached hereto as *Exhibit A*.
3. The Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 2671, *et seq.*, as amended by the Federal Employees Liability Reform and Tort Compensation Act of 1988 (the "Westfall Act"), Pub. L. No. 100-694 §§ 5, 6, 102 Stat. 4563 (1988) (codified at 28 U.S.C. § 2679), provides that a suit against the United States shall be the exclusive remedy for persons with claims for damages resulting from the actions of federal employees taken within the scope of their office or employment. See 28 U.S.C. § 2679(b)(1).
4. The FTCA provides that federal district courts shall have exclusive jurisdiction of civil actions on claims against the United States. See 28 U.S.C. § 1346(b).

5. The above-captioned action is one that may be removed to this Court pursuant to 28 U.S.C. § 1442(a).
6. In accordance with 28 U.S.C. § 1446(a) and applicable Local Rules, copies of all process, pleadings, and orders served upon the Federal Defendants in this action are attached hereto as *Exhibit B*.

WHEREFORE, Neale P. Freeman, M.D., Christopher D. Marine, M.D. and Southside Medical Center, Inc. pray that the above-captioned action now pending in the State Court of Fulton County, State of Georgia, be removed therefrom to this Court, and to effect and prepare in this Court the true record of all proceedings that may have been had in the State Court of Fulton County, Georgia.

Respectfully submitted, this 24th day of January, 2014.

SALLY QUILLIAN YATES
UNITED STATES ATTORNEY


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